IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 851 (S/S) of 2007

Smt. Rekha Joshi W/o Sri Narendra Joshi
R/o East Pokharkhali, Almora -------Petitioner

Versus

1. State of Uttarakhand through Secretary Education, School Education, Dehradun
2. District Education Officer, Almora
3. Deputy District Education Officer (Basic), Almora

------ Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri R.C. Upadhyay, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus to direct the respondents that petitioner shall not be transferred from primary school Sirar, Hawalbagh, Almora
2. Issue a writ, order or direction in the nature of certiorari to quash the adjustment order dated 11.06.07 by respondent no. 2 (Annexure No. 4) regarding the case of the petitioner.
3. Issue a writ, order or direction as this Hon'ble Court may deem just and proper under the circumstances of the case.
4. To allow the writ petition with cost.

The petitioner, who was working as an Assistant Teacher in primary School, Sirar, Hawalbagh, Almora, has been transferred to Primary School, Village Kumouli, Bhaisiachana, District Almora.

The stand of the petitioner is that she was earlier working in Primary School Village Kumouli. In the year 2004, she was

operated and her uterus was removed and due to the surgery she undergone, she was not able to walk and, consequently, requested the respondents to transfer her in a suitable place. The prayer of the petitioner was accepted and she was transferred vide order dated 18.11.2006 to Primary School, Sirar Hawalbagh. However, by the impugned order she has again been transferred to Primary School Village Kumouli and the petitioner, who is suffering till date because of that operation in the year 2004, she is unable to join at the new place of posting. The petitioner in this regard has also attached a certificate issued by some private doctor at Almora.

Learned Standing Counsel has submitted that the Government has framed a Policy that in case any person is suffering from any disease because of which he/she is unable to join at new place of posting, the person concerned may obtain certificate from the Medical Board and his/her case shall be reconsidered by the authorities concerned.

In the circumstances, the petitioner may also obtain certificate from the Medical Board constituted by the department and if there is any report of the Medical Board in favour of the petitioner, she may apply for reconsideration before the appropriate authority. It is expected from the appropriate authority to take necessary action in accordance with law and the Policy framed by the Government in case there is a report of Medical Board that the petitioner cannot walk.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

11.07.2007
VKS